

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

97 SEP 30 PM 4:01

WILLIE LEE TURNER,
Plaintiff,

vs.

BUDDY ALDRIDGE, Sheriff;
THE COLBERT COUNTY JAIL;
CHIEF DEPUTY BOBBY R. ABLES;
DR. J.A. TOMLINSON; CHARLES
BEARD, Colbert County
Commissioner,

Defendants.

U.S. DISTRICT COURT
N.D. OF ALABAMA

Case No. CV 96-B-2183-S

ENTERED

SEP 30 1997

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MEMORANDUM OPINION

On September 11, 1997, the magistrate judge filed his report and recommendation concerning the complaint filed by the plaintiff pursuant to 42 U.S.C. § 1983. In that report and recommendation, the magistrate judge recommended that all claims under § 1983 be dismissed with prejudice and that all state-law claims be dismissed without prejudice. Although the report and recommendation advised the parties of their right to file objections, none have been filed. Additionally, on October 24, 1996, the defendant identified as the "Colbert County Jail" filed a motion to dismiss, asserting that it is not a legally suable entity. See Dean v. Barber, 951 F.2d 1210 (11th Cir. 1992).

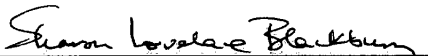
Having carefully reviewed and considered the motion to dismiss, the court is of the opinion that it is due to be granted, and in a separate order the motion will be granted and the

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defendant identified as the "Colbert County Jail" will be dismissed with prejudice.

Further, having carefully reviewed and considered de novo all the materials in the court file, the court is of the opinion that the magistrate judge's report is due to be and the same is hereby ADOPTED and the recommendation is ACCEPTED. By separate order, the motion for summary judgment filed by defendants Aldridge, Ables, and Tomlinson will be granted and the claims pursuant to 42 U.S.C. § 1983 will be dismissed with prejudice. Any state-law claims purportedly asserted in the action will be dismissed without prejudice.

DATED this 30th day of September, 1997.


SHARON LOVELACE BLACKBURN
U.S. DISTRICT JUDGE